

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SUNSHINE SPURGEON,

Plaintiff,

v.

OLYMPIC PANEL PRODUCTS LLC,
a Washington State limited liability
company; THE INTERNATIONAL
ASSOCIATION OF MACHINISTS,
WOODWORKERS LOCAL LODGE
W-38,

Defendants.

CASE NO. C07-5436BHS

ORDER DENYING
PLAINTIFF'S MOTION FOR
PROTECTIVE ORDER AND
REQUEST TO DEVELOP
CONSOLIDATED
DISCOVERY SCHEDULE

This matter comes before the Court on Plaintiff's Motion for Protective Order and Request to Develop Consolidated Discovery Schedule (Dkt. 34). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby denies the motion for the reasons stated herein.

I. FACTUAL AND PROCEDURAL BACKGROUND

In her amended complaint, Plaintiff Sunshine Spurgeon contends that she suffered a workplace injury rendering her permanently disabled. Dkt. 1 at 7. Ms. Spurgeon contends that Defendants contested whether she was injured, refused to accommodate her disability, failed to consider her for positions for which she applied and was qualified, and treated her differently from similarly situated male employees. *Id.* at 7-9. Ms. Spurgeon

1 brings claims for discrimination, retaliation, violation of Washington law regarding
2 viewing of employment records, breach of fiduciary duty as to the International
3 Association of Machinists, Woodworkers Local Lodge W-38, constructive termination,
4 and wrongful termination in violation of public policy. *Id.* at 10-13. Plaintiff has been
5 granted leave to file a second amended complaint on or before March 25, 2008, adding
6 Christine Hoyt and Rosemary Kudia as plaintiffs and including fraud, breach of oral
7 contract, and hostile work environment claims. Dkt. 38 at 8.

8 II. DISCUSSION

9 Plaintiff asks the Court to enter a consolidated discovery schedule to govern this
10 case and the Grinenko matter. Dkt. 34. The motion includes the caption of the Grinenko
11 case, although the two cases have not been consolidated and Plaintiff has not moved for
12 such relief.

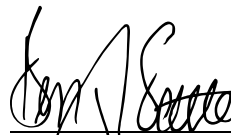
13 The Court concludes that the two cases are insufficiently similar to warrant a
14 consolidated discovery schedule. This matter is set for a bench trial on December 8, 2008.
15 Dkt. 14. The Grinenko matter is set for a jury trial on February 17, 2009. The discovery
16 deadlines differ by approximately two months. The cases involve different claims and
17 different parties. The Court therefore declines to issue a consolidated discovery schedule
18 in this case and the Grinenko matter.

19 III. ORDER

20 Therefore, it is hereby

21 **ORDERED** that Plaintiff's Motion for Protective Order and Request to Develop
22 Consolidated Discovery Schedule (Dkt. 34) is **DENIED**.

23 DATED this 25th day of March, 2008.

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27 BENJAMIN H. SETTLE
28 United States District Judge